

Department of Public Health  
and Human Services

Section:  
INCOME

TANF CASH ASSISTANCE

Subject:  
Self-Employment Income

**Supersedes:** TANF 503-1, 07/01/02

**References:** ARM 37.78.102, .402, .415 and .416

GENERAL RULE--Net earnings from self-employment must be counted when determining eligibility. Net earnings from self-employment (NESE) are calculated differently for each program, so it is important to review the appropriate policy manuals.

### **DEFINITION OF SELF- EMPLOYMENT**

Self-employment is the act of engaging in a trade or business. A trade or business is generally an activity carried on for a livelihood or in good faith to make a profit. So long as a profit motive exists, an individual does not have to make a profit to be in a trade or business. The individual may be a contractor, franchise holder, owner/operator, partner, etc. They must meet the following criteria to be considered self-employed:

1. They earn their income directly from their business or trade, not from wages or salary from an employer;
2. They are responsible for the payment of their entire Social Security and Federal withholding taxes;
3. They do not have an employee/employer relationship with another individual and the services s/he performs cannot be controlled by an employer (such as setting the job schedule, etc.); and,
4. They *should* file self-employment tax forms (Schedule F, C, C-EZ, SE, Form 1065, etc.). However, not all individuals file tax forms and some may file incorrectly.

### **SELF- EMPLOYMENT STRUCTURES**

There may be many types of self-employment structures. Some of the most common structures are:

1. Sole Proprietorship: A self-employment business that is not incorporated and has one owner. The business income and liabilities are responsibilities of a single owner.
2. Partnership: A self-employment business that is set up with two or more partners. In addition to personal income tax forms, partnerships are also required to file 1065 and K-1 forms. The business income and liabilities are the responsibility of all the partners, with the partnership defining shares of ownership and responsibility. Partnership income is determined in the same way as other self-employment.

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3. Independent Contractor: An individual who pays his or her own employment taxes and does not have an employee/ employer relationship is considered self-employed.
4. Sharecropper: If the sharecropper pays the costs of doing business and receives a portion of the net income in exchange for his/her labor, s/he is considered self-employed. However, if the sharecropper is not responsible for paying the costs of doing business, s/he is not considered self-employed.

**CORPORATIONS**

Corporations can be considered self-employment enterprises; however, the income individuals receive is not considered self-employment income. Any wages received by an individual from the corporation are considered countable earned income (TEAMS coded 'WA' on EAIN) when received; coded 'WA' on EAIN.

**NOTE:** Although wages paid to corporate officers are considered wages, fees paid to corporate directors are considered self-employment earnings.

Any corporate income reported on Schedule E, Line 31 as income received from a corporation must be annualized and used as countable unearned income even if the household did not receive the money.

Any loss reported on Schedule E, Line 31, as loss received from a corporation is not used in any budget calculation.

**EARNED VS. UNEARNED**

Self-employment income is generally considered earned income. However, if any of the following occur, the income is considered unearned income and coded on the UNIN screen instead of the SEEI screen.

1. Rental self-employment income and rental partnership income where the individual is not actively participating in the business at least 20 hours per week. (See 501-1)
2. Contract for deed income (See 501-1), or
3. Boarder income, in some instances (see Boarders heading).

**RESOURCES**

Property, which is essential to self-employment, is excluded as a resource.

See the following titles in the Resource Section of this manual for **possible** exclusion of some items as resources:

- Property Essential for Self-employment (402-1)
- Income Producing Property (402-1)
- Business Checking Accounts (402-1)

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- Loans (402-1)
- Vehicles (403-1)

## INCOME EXCLUSIONS

Exclude the following:

1. Federal gasoline tax credit.
2. State gas tax.
3. Disaster payments (see 501-1).
4. Crop insurance payments.

## PATRONAGE DIVIDENDS

Patronage dividends paid to a self-employment enterprise are countable as part of self-employment income as a whole, even if paid in stock. Resources that have been prorated as income are excluded as resources during the period over which they are prorated as income. (See 402-1, "Resources Prorated as Income".)

## AGRICULTURAL STABILIZATION & CONSERVATION SERVICES (ASCS)

Cash payments are counted as earned self-employment income. These include but are not limited to, Commodity Credit Corporation, acreage reduction and conservation payments and other one-time or installment payments made to farmers for crop or other losses unrelated to a presidentially declared disaster. If the payment is due to a presidentially declared disaster it is excluded as both income and a resource due to the Disaster Relief Act.

## CANCELED DEBT

If canceled debt appears on any of the tax forms, **it should not be counted.** Before disregarding canceled debt claimed by a household, the household shall be required to provide a statement from the lending institution that canceled the debt.

## CAPITAL GAINS CAPITAL LOSSES

Capital gains are increases in the value of property between the time purchased and the time sold. Capital losses are decreases in the value of property between the time purchased and the time sold. For self-employment businesses, depreciation plays a role in determining whether capital gains/losses occur. Capital gains/ losses are normally determined at the time property is sold.

Capital gains from the sale of self-employment property must be annualized as part of the net earnings from self-employment regardless of whether paid in a lump sum or in installments. Capital gains will only be included in prospect self-employment income if capital gains are received or expected to be received prospectively for next year.

Capital losses are not used in any self-employment income determination. They are not considered business expenses or deductions.

**IN-KIND INCOME  
& BARTERING**

In-kind income through self-employment is counted as earned income.

Bartering is considered in-kind services exchanged between two self-employed businesses, such as an exchange of storage space for furnace repair.

**ALLOWABLE  
EXPENSES**

Allowable expenses are excluded from self-employment income. Most costs of doing business are allowable expenses and may be accepted as listed on the income tax forms with few exceptions. Expenses must be current, not due from a previous fiscal period, and are only allowed when paid.

**NOTE:** Some self-employed individuals do not claim all expenses on their Schedule C in order to qualify for Earned Income Tax Credit. The allowable expenses that are not shown on the Schedule C can be verified by the applicant/recipient and should be used in determining accurate self-employment earnings.

Examples of allowable expenses include: labor paid to non-household members (individuals not included in the filing unit), materials, seeds, supplies, plants, fertilizer, interest payments on business loans, business portion of home property or expense, repairs, etc.

**NOTE:** Supplies include small tools, paper, pencils, scissors, oil, gas, envelopes, shampoo, hairbrushes, crayons/coloring books, etc. Supplies are generally described as objects that will normally be used up or consumed in service.

**NOTE:** Transportation costs for doing business may be allowed. However, the cost of commuting to the business from home is not allowed.

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**Mileage expense is allowed at the Federal Rate.****DEPENDENT  
CARE BUSINESS  
EXPENSES  
(Cost of meals)**

Household's deriving income from dependent care, such as providing day care for children, elderly, or disabled individuals, may elect one of the following methods to determine the cost of meals provided to the individuals:

1. Actual documented meals.
2. A standard per day amount based on estimated meal costs.
3. Current reimbursement amounts used in the Child and Adult Care Food Program.

**NON-ALLOWABLE EXPENSES**

Non-allowable expenses must be added back into the self-employment income if income tax forms are used, or not allowed as a deduction in the monthly calculation of self-employment income.

The following are examples of non-allowable expenses:

1. Purchase costs of capital assets and durable goods, even if the capital asset or durable good is not set up on a depreciation schedule. Capital assets and durable goods are objects used in business that are expected to last a long time, such as farm machinery, equipment, swing sets, buildings, computers, cribs, VCR's, furniture, high chairs, tricycles, vehicles, hair dryers, etc.
2. Repayment of loan principal (since the loan was never considered income); however, the interest payment on business loans may be deducted.
3. Federal, state, and local income taxes, and transportation to and from work.
4. Depreciation, which is added back into income when it is used as a deduction from self-employment income. Self-employment forms must be reviewed to ensure that all depreciation expenses are captured. Common examples are: Schedule C, line 13; Schedule C-EZ, line 2; Schedule E, line 20; Schedule F, line 16; Form 8829, line 28; Form 1065 - 16a; or any income forms attached to the 1065, like Schedule F.
5. Social Security taxes.
6. Meal and entertainment costs.

**SELF-EMPLOYMENT CONNECTED TO HOME (E.G. FARM EXPENSES)**

When a household's home is on property connected to the property used for farming or another self-employment business enterprise, the Eligibility Case Manager must determine if the shelter costs (e.g., rent or mortgage) and the self-employment costs can be separately identified.

If necessary, the Eligibility Case Manager is required to determine a breakdown of farm (business) expenses from personal home shelter expenses by using:

1. Household's calculation of breakdown.

**NOTE:** The 'Farm Self-Employment Questionnaire' (DPHHS-HCS-516) can be used as a tool to determine if the

household included any personal shelter expenses with their farm deductions

2. Income tax form breakdown. OR,

**NOTE:** If the household presents self-employment tax records (Schedule F), do not question the shelter deductions (utilities, insurance, interest, etc.) included on those documents.

3. Verifications submitted by the household (i.e., tax verifications [Ag/Nag]; loan papers indicating cost of farm land, buildings, equipment, etc. versus cost for house/garage/personal equipment; insurance policy breakdowns of cost of premiums for farm and personal home costs; etc.).

If a self-employed individual cannot (or will not) provide proof of his separate business and personal shelter expenses, no questionable expenses will be allowed in calculating his self-employment income.

#### **IN-HOME BUSINESS EXPENSE**

When the self-employment enterprise is conducted in the participant's home and the household wishes to claim a portion of the shelter expense as a business deduction, the Eligibility Case Manager must separate business expenses from personal home expenses. The portion of the home that is used on an exclusive basis for a business is allowed as a business expense. However, the household is not required to use the business portion as a business deduction.

The following criteria must be met to use home shelter costs as a business expense:

1. A substantial amount of time must be spent doing business in the home (not occasionally).

***If the in-home business is NOT related to dependent care, the business must also meet one of the following two conditions.***

2. An allowance for space regularly used for inventory storage may be allowed if the space is identifiable and only used for self-employment; **or**,
3. The portion of the home must be used on an exclusive basis (the space allocated to the business must be used only for the business).

**NOTE:** The portion of the home cannot be used only for administrative work (Example: If the majority of the income is made outside of the home and the home is not needed for storage purposes, no separation of expenses is allowed).

With the applicant/recipient's agreement, the Eligibility Case Manager will determine the usage of home for business purposes by:

1. The household's calculation of use.

**NOTE:** The 'Self-Employment Questionnaire' (DPHHS-HCS-518) may be used as a tool for businesses other than farming or dependent care. The "Self-Employment Questionnaire for Dependent Care Providers" (DPHHS-HCS-517) may be used as a tool for dependent care providers.

2. Form 8829 percentage (only if the business and personal home costs are separated on this form);
3. The ratio of business square footage to square footage of the entire home; or,
4. The 'Dependent Care Usage Chart' (for dependent care businesses only) at the end of this section.

## BUDGETING

Most self-employment budgets will be annualized (see 601-1).

Self-employment income intended to support the household on an annual basis is annualized. Temporary or seasonal self-employment income or when a business is not in operation for an entire year means the income does not represent annual support, and would be averaged over the period it is intended to cover.

The following self-employment incomes are always annualized regardless of whether or not the income is intended to support the household on an annual basis:

1. Farm income; and,
2. Self-employment income received less often than monthly (i.e., income received quarterly, bi-monthly, annually, etc.).

## EXAMPLES:

- #1 Joe is a self-employed logger. He does not work during the spring due to "spring break-up" (cannot log due to mud). His yearly

income will be annualized even though he only works nine months per year as his self-employment represents his intended support to the household. Self-employment will count as earned income even in the months that Joe is not working.

- #2 A vendor who works only in the summer and supplements his income from other sources during the rest of the year would have his self-employment income averaged over the summer months only.

When self-employment income is annualized, the expenses must also be annualized. Expenses are counted when paid, not when billed.

If the self-employment income is annualized, income tax forms should be used to determine income (when available). The most current tax forms must be used unless there is a substantial change in business or income. Income must be annualized whether or not tax forms reflect current income and whether or not they are available. Other documentation must be used to determine annualized income.

Some examples of "substantial increase or decrease in business" are:

1. Termination of, or starting a new self-employment enterprise, such as changing from a grain and cattle operation to a cattle operation;
2. Significant increase in or reduction of operation, such as adding or reducing a quarter of crop land, or significantly increasing or decreasing a dairy or beef operation; and
3. Natural disasters such as hail or drought. Normal year-to-year fluctuation in market prices would not be considered to be substantial increases or decreases. However, abnormal changes may be considered. For instance, if the price of wheat is normally \$2 to \$4 per bushel, a reasonably anticipated change to \$6 or \$1 would be considered a substantial change once the crop is sold and this new income information would then be used.

**EXAMPLE:** A day care provider has submitted her last year's taxes that reflect \$12,000 self-employment income earned from providing care for five children; however, in the next year she expects to provide care for only three children. Her anticipated day care income should be annualized. She now expects to earn a net income of \$9,000 in the next year, so her projected monthly countable self-employment income would be \$750 ( $\$9000 \div 12$ ). This projected income would be used even though she might expect her actual monthly



income to vary over the next year (i.e., some months her actual income would be \$900 and some months it might be \$600).

### NEW BUSINESS

If a new business, the income must be averaged using the income and expenses from the months the business has been in operation until 12 months have been reached. If there is no reliable history of income or expenses to average, the Eligibility Case Manager must negotiate a projection of the anticipated monthly income and expenses with the applicant.

### RENTAL INCOME

Depending on how active an individual is in managing rental property, the income can be considered either earned self-employment (SEEI) or unearned income (UNIN). Regardless of this designation, the cost of doing business is deducted from the gross income to determine net countable income for benefit calculation.

Refer to information under the Earned VS. Unearned caption earlier in this manual section for explanation of how to determine whether rental income is earned or unearned on a case-by-case basis.

If no household member is actively engaged in managing the property, consider it as unearned income. The Eligibility Case Manager will need to calculate the amount of countable income manually (off of TEAMS), using gross income minus the allowable expenses (see Allowable Expenses caption earlier in this manual section).

Enter the countable amount on UNIN as 'RE'. (See also "Income Producing Property" in 402-1 for resource information.)

Document in TEAMS case notes whether the income is being counted as unearned income (UNIN) or earned self-employment (SEEI) and how the expenses and income were derived.

### ROOMERS

A roomer is an individual living with a household and paying for lodging but not meals. Use guidelines under the caption "Earned VS. Unearned" earlier in this section to determine whether the contribution is considered earned or unearned income.

Payments received from roomers will normally be considered unearned contributions to the household.

Do not allow expenses against the contributions unless the roomer situation meets the definition of earned income, in which case it is treated as self-employment.

**BOARDERS**

Treat commercial boarding houses (businesses established as commercial enterprises which offer meals and lodging for compensation with the intent to make a profit) according to the general provisions of regular self-employment, rather than according to information provided below.

Boarders are individuals to whom a household furnishes lodging and meals. Foster children are not considered boarders.

When a boarding situation is not related to a commercial boarding house, the income is determined according to the following provisions for each program.

Evaluate income from boarders not residing in a commercial boarding house as unearned rental income (after the cost of doing business is deducted).

**INCOME/LOSSES**

Income is considered for all programs; losses from corporations are not used to offset any other income. Losses from other self-employment are handled differently for each program.

Self-employment losses are deducted from other self-employment gains (earned or unearned).

**BANKRUPTCY**

If bankruptcy is filed, the projected monthly self-employment income continues to be used unless the household states the business will have substantial change (503-1, "Change Reporting") in income and expenses. This statement would be verified with a statement from the bankruptcy trustee regarding the debt reorganization plan concerning the anticipated gross income and expenses.

**NOTE:** If the household reports that the self-employment enterprise has ended, the monthly self-employment income is no longer projected.

The self-employment income continues to count even if diverted to a bank or other source. If the self-employment income goes to a trustee, and the household receives a living allowance, the entire self-employment income continues to be budgeted and no deduction is allowed for the trustee or conservator's fees.

**NOTE:** The living allowance is not counted as income because it is derived from the self-employment income already being counted.

If the equipment/land is repossessed or the title is given to the lender, the property is the legal property of the lender and sale of the property is not considered income. However, if the title remains in the household's name and the lender arranges the sale, the property belongs to the household and the amount is counted in the following way depending on the program involved:

Count as income if received as periodic payments or as a resource if received in a lump sum.

If the lender forgives or writes off a loan, the amount forgiven or written off is not considered income.

## **CHANGE REPORTING**

A participant is required to report substantial changes in income or the business within 10 days of knowledge.

A substantial change could be:

1. Crop failure or flood.
2. Substantial market price increase or decrease.
3. More or less land farmed.
4. Change in operation (from livestock to crops, or dairy to sheep).
5. More or less children in a dependent care business, etc.

A change in the amount of net income is substantial if the change will result in a difference of \$25/month or more to the prorated monthly net self-employment income for the entire period in which the income is countable.

Participants are also required to report changes in the source of income such as if a participant stopped actively farming and is renting out their land.

If the household anticipates a substantial change, the Eligibility Case Manager may choose to shorten the redetermination period to allow closer monitoring of the effect of the reported change.

If there is no substantial change in operation or income and the source of income hasn't changed, but the household turns in the new income tax forms prior to redetermination, the Eligibility Case Manager must recalculate the self-employment income based on the new tax forms. This is because all reported changes must be acted upon. Timely and/or adequate notice (whichever applies) for all adverse actions must be provided.

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**EXAMPLE:** Redetermination is due in August 2002. However, the household submits 2001 tax forms on February 10, 2002. The tax forms must be used to re-annualize self-employment income for March 2002 benefits. At the redetermination in August 2002, the income will continue based on the 2001 tax forms unless a change is reported prior to or at the redetermination.

## REDETERMINATIONS

Eligibility for participation will be continuous after the initial determination of eligibility and benefits. Benefits and eligibility will be redetermined based on change reports. See section 1502-1 for specific redetermination requirements.

The redetermination period should be determined based on the period of time the self-employment income was intended to cover but not longer than 12 months from date of application or last redetermination. The Eligibility Case Manager may choose to set redetermination dates (within the above criteria) to coincide with events such as the yearly sale of crops or the filing of income tax.

## EXAMPLE

Susan is self-employed as a day care provider. She is licensed as a family day care home and her husband, Jake, participates in the self-employment activities as a childcare worker. In 1999, Susan and Jake cared for 12 children per month in their home, and she has provided her 1999 income tax return, showing gross earnings of \$36,000 and allowable expenses of \$18,000. Susan anticipates the same for 2000. Susan states that the housing costs itemized on her 1999 Schedule C are for the pro rata share of her home that is used exclusively for day care activities.

TEAMS Processing: Code the income, hours and appropriate verification code on SEEI (income code is 'OT' for this example). Press enter to display the SEEW work screen. Enter the gross amount of income, using an 'I' code and the expenses using an 'E' code on the SEEW screen. SHARE will be 100(%), and 'AF PRD' (whether the case is applying for Family Medicaid or TANF Cash Assistance) will be set at 012 (months) to annualize the income. FS PRD, MA PRD, QM PRD, SL PRD and CC PRD will all be set to "000". 'Enter' is pressed and SEEW calculates NESE monthly amount as \$1500. Print the SEEW screen. 'Enter' again and the system returns to SEEI and \$1500 will be shown under 'MTH ADJ GRS'.

## COMBINED CASE PROCESSING

Cases including a combination of programs that do not use the same policies for determining the net self-employment income (in this example, Food Stamps and SSI-MA) are worked as if they were separate sources of income on the SEEI screen. The income would be coded for each program on SEEW as follows: if the income is being determined for Food

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Stamps, the FS PRD is set at '012' (or other period of intended use as appropriate for the situation), and AF PRD, MA PRD, QM PRD, SL PRD and CC PRD would be set at '000'. Once the system returns to SEEI with an income showing in the PGM row for FS, the 'MORE INCOME' indicator at the bottom of SEEI would be set to 'Y', and a new SEEI screen would be completed to access a new SEEW screen, on which the MA PRD would be set at '012' (also the QM PRD and/or SL PRD should be set to '012'), and the FS PRD and AF PRD would be set to '000'.

**DEPENDENT  
CARE HOME  
USAGE CHARTS**

The following charts can be used as guidance in determining percentage of shelter expenses allowable as business expenses and personal shelter expenses.

Hours/Month of Child Care in the Home	Percentage of Business Usage for Shelter
1 - 100	10%
101 - 150	17%
151 - 215	25%
216 - 301	35%
302 - 387	48%
388 - 495	60%
496 - 581	75%

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**Conversion of Weekly Hours to Monthly Hours**

10 hours/week	=	43 hours/month	75 hours/week	=	323 hours/month
15 hours/week	=	65 hours/month	80 hours/week	=	344 hours/month
20 hours/week	=	86 hours/month	85 hours/week	=	366 hours/month
25 hours/week	=	108 hours/month	90 hours/week	=	387 hours/month
30 hours/week	=	129 hours/month	95 hours/week	=	409 hours/month
35 hours/week	=	151 hours/month	100 hours/week	=	433 hours/month
40 hours/week	=	172 hours/month	105 hours/week	=	452 hours/month
45 hours/week	=	194 hours/month	110 hours/week	=	473 hours/month
50 hours/week	=	215 hours/month	115 hours/week	=	495 hours/month
55 hours/week	=	237 hours/month	120 hours/week	=	516 hours/month
60 hours/week	=	258 hours/month	125 hours/week	=	538 hours/month
65 hours/week	=	280 hours/month	130 hours/week	=	559 hours/month
70 hours/week	=	301 hours/month	135 hours/week	=	581 hours/month

NC/KQ/SR/DB

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